
SMART & BIGGAR

Intellectual Property & Technology Law

438 University Avenue
Suite 1500, Box 111
Toronto, Ontario Canada M5G 2K8
Tel. (416) 593-5514 Fax (416) 591-1690
www.smart-biggarr.ca

Ronald D. Faggetter
rdfaggetter@smart-biggarr.ca

Our Ref: 92835-1

October 23, 2003

BY FACSIMILE TRANSMISSION

(To: 703-872-9708)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

Attention: Sue A. Purvis, Examiner

Dear Ms. Purvis:

Re: United States Patent Application
Serial No.: 09/883,244 Art Unit: 1734
Filing Date: June 19, 2001
Applicants: Peter C. Nielsen and Joseph Z. Sleiman
Title: LABELLING APPARATUS AND METHOD

Informal Comments: Not to be entered

Claims 31 to 34 were rejected under 35 102(b) in view of US5,829,351 to Anderson.

Applicant intends to cancel claim 31.

Claim 32 requires that "said first airway comprises a channel extending along a substantial portion of a periphery of said stationary core" and that "said second airway comprises a slot in said periphery of said stationary core spaced from either end of said channel by a land". This is depicted in figure 5A of the specification.

Anderson, in figure 6, shows a slot 36 in the periphery of his vacuum tube 18 at the 6 o'clock position which slot terminates a cross-tube 34 that connects to the concentric positive pressure tube 32. The vacuum tube also has a series of holes 30 in its periphery. However, it is submitted that neither the slot 36, nor the holes 30, meet the limitation of

TORONTO MONTREAL OTTAWA EDMONTON VANCOUVER

- 2 -

SMART & BIGGAR

"a channel extending along a substantial portion of a periphery of said stationary core". And further, the claimed requirement for "a slot in said periphery of said stationary core" would have to be one of Anderson's slot 36 or a hole 30. However, the slot 36 or a hole 30 is not "spaced from either end of" a "channel by a land", as required by claim 32.

It is therefore submitted that Anderson does not anticipate claim 32. That being so, it also does not anticipate claims 33 and 34, which depend from claim 32.

Applicant also notes figure 8B of US6,257,294 to Weisbeck which has an axial facing arrangement for communicating positive and negative pressure.

As this communication is not to be entered, it has not been signed.

I look forward to your call once you have considered these comments.

Yours very truly,

Ronald D. Faggetter
SMART & BIGGAR

RDF:bw